

United States Department of the Interior
Bureau of Land Management

Decision Record
Environmental Assessment
DOI-BLM-CO-S010-2015-0015 EA

March, 2016

**Tres Rios Field Office and Canyons of the Ancients Fire
Management Planning**

Location: Tres Rios Field Office and Canyons of the Ancients National Monument

Applicant/Address: USDI BLM

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Dolores, Colorado, 81323
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DECISION RECORD
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DECISION: I have reviewed the Environmental Assessment (DOI-BLM-CO-S010-2015-0015) (EA) and have prepared a Finding of No Significant Impact (FONSI, March 2016). After review of those documents, it is my decision to implement the Proposed Action and design features (Selected Alternative) as described in the EA and to begin managing some naturally ignited unplanned ignitions to achieve resource objectives as identified within the Tres Rios Field Office Resource Management Plan.

Authorities: The authority for this decision is contained in: Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701 et seq); Public Rangelands Improvement Act of 1978 (Public Law 95-514) Section 14 (b); Title 43 Code of Federal Regulations; a) Sections 4120.3-1-Conditions for Range Improvement; b) Section 4180.1- Fundamentals of Rangeland Health; c) Section 4190.1 Effects of Wildfire Management Decisions; and d) Section 5003.1 – Forest Management Decisions.

Compliance and Monitoring: The BLM will implement post-treatment monitoring and treatment for the presence of invasive species.

During implementation of the Selected Alternative, the fire management staff would work closely with a dedicated Resource Advisor (READ or REAF) to the incident in order to ensure resource objectives are being met. The use of resource advisors would be essential to implementation of the Selected Alternative, and would allow management decisions to be made with the full use of available information and best management practices while allowing fire management activities to continue without increased risk on firefighters and public or incurring excessive cost.

A protection geodatabase will be created and maintained by the fire management staff which identifies specific information regarding avoidance and protection measures. This geodatabase will be consulted by the Fire Duty Officer and Line Officer during the initial decision making process of determining a strategy for any ignition.

Terms / Conditions / Stipulations:

After providing for the safety of all responders and public, as well as evaluating and mitigating any risks to non-BLM land and any real property or improvements, the following design features apply to all actions which would be authorized under this EA, including any action required to manage fire, including access to fire areas. If the following design features cannot be met while at the same time ensuring the BLM's first objective of firefighter and public safety, the proposed action would not be authorized.

The proposed action will not occur in Gunnison Sage-Grouse Unoccupied Critical Habitat until consultation with the United States Fish and Wildlife Service as outlined in Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544) is completed.

2.4.1 Soils and Water-Dependent Features

1. Exposure, compaction, and disturbance of soils would be minimized to the extent possible from burning activities. Examples of where exposure, compaction, and disturbance can be an issue include large contiguous areas of soils high severity burns (especially over sensitive or erosive soils), emergency stabilization and post-fire rehabilitation (ESR), fire line construction.
2. If burn activities occur in municipal/public supply public water supply management organizations would be notified at the earliest possible timeframe.
3. Areas of soil disturbance necessary for burn activities would be rehabilitated and/or stabilized as soon as possible following the fire, preferably within days or weeks after burning has ceased. This would be necessary to limit exposure to erosion events such as monsoonal storms or other runoff events.
4. Riparian areas, wetlands, springs, seeps, and perennial streams and intermittent streams with riparian vegetation are very rare and ecologically important features within CANM and TRFO and also tend to be areas of cultural importance. These features will be protected from fire under the Proposed Action alternative. Maps will be made and updated over the life of this EA indicating known riparian areas, wetlands, springs, seeps, perennial streams and intermittent streams with riparian vegetation.
5. In the event there may be ecological benefit to allowing fire to enter these features in (4) above, a hydrologist and/or ecologist would be consulted for site specific design or protection measures.

2.4.2 Fire Management

1. The proposed action would only be implemented under conditions which are conducive to meeting resource objectives as stated in the TRFO and CANM RMP's. These conditions occur during times of the year when 5 day average Energy Release Components of NFDRS Fuel Model G are below the 85th percentile (ERC-G 76 Upper Zone, ERC-G 78 Lower Zone)
2. BLM would assign a dedicated Resource Advisor (READ or REAF) to the incident in order to ensure resource objectives are being met. The use of resource advisors would be essential to implementation of the Proposed Action, and would allow management decisions to be made with the full use of available information and best management practices while allowing fire management activities to continue without increased risk on firefighters and public or incurring excessive cost.
3. A protection geodatabase would be created and maintained by the fire management staff which identifies specific information regarding avoidance and protection measures. This geodatabase would be consulted by the Fire Duty Officer and Line Officer during the initial decision making process of determining a strategy for any ignition.

2.4.3 Cultural Resources

1. National Register listed and eligible cultural resources would be avoided by fire suppression actions that could adversely affect them (construction of fire control lines, off-road vehicle travel, and retardant drops). National Register listed and eligible cultural resources with features vulnerable to fire would be protected.

2. The use of any heavy equipment (such as bulldozers) requires Agency Administrator approval prior to use, along with a fireline qualified Archaeologist during dozer line scouting and construction.

2.4.4 Wildlife

2.4.4.1 New Mexico Meadow Jumping Mouse

1. In conjunction with a BLM wildlife biologist completely avoid riparian areas that meet minimum habitat requirements for New Mexico meadow jumping mouse within Montezuma, La Plata and Archuleta counties in Colorado.

2.4.4.2 Southwestern Willow Flycatcher

1. Willow-riparian patches near water of at least 30x30x5 feet tall, and at least .25 acres or larger will be completely avoided.

2.4.4.3 Gunnison Sage-grouse Critical Habitat

1. The proposed action should not occur if access to the site is required through Gunnison sage-grouse occupied critical habitat from March 1 - July 15, to protect lekking and nesting, and, December 1 - March 15th, to protect winter habitat.
2. In Sage-grouse unoccupied critical habitat, in consultation with a Wildlife Biologist, areas that are predominantly sagebrush should be avoided to the extent possible. Additionally, if fire behavior is such that sagebrush understory is being burned so that habitat no longer meets the primary constituent elements for Gunnison Sage-grouse, fire objectives should be moved towards suppression.

2.4.4.4 Bald and Golden Eagles

1. Any known or discovered bald and golden eagle roost or nest sites would be avoided by any action conducted under the proposed action to the extent practicable by ½ mile.
2. Cottonwood galleries would be avoided to maintain adequate roosting habitat for eagles.

2.4.4.5 Migratory Birds - Raptors

1. Fire managers would work with a BLM biologist to avoid raptor nest sites in ponderosa pine.

2.4.5 Lands/Access

1. Fire managers would work with a BLM Realty Specialist in conjunction with the proposed action geodatabase to implement protection measures on infrastructure, improvements, and rights of way to avoid damage.

2.4.6 Rangeland Management

1. Fire managers would avoid damage to rangeland improvements when implementing fires under the proposed action.
2. Livestock grazing use should be deferred following the proposed action, until recovery objectives are met or it is demonstrated that such use would not be detrimental.

3. Resource Advisors would work with affected permittees during implementation of the proposed action.

2.4.7 Noxious and Invasive (non-native) Weed Species

1. Post fire monitoring and treatment of noxious weed species will occur within burned areas.

2.4.8 BLM Special Status Plant Species

1. Known populations of BLM special status plant species populations would be avoided by fire suppression actions that could adversely affect them (construction of fire control lines, off-road vehicle travel, and retardant drops). Known populations of BLM special status plant species that are vulnerable to fire would be protected.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

Land Use Plan Name: Tres Rios Field Office Resource Management Plan, 2015

Land Use Plan Name: Canyons of the Ancients National Monument Resource Management Plan, 2010

The proposed action is in conformance with the applicable LUP(s) because it is specifically provided for in the following LUP decision(s).

Tres Rios Field Office RMP

Desired Conditions

- *2.1.1 Public lands continue to function as “working lands.” Collaborative forest health and rangeland management practices reduce wildfire hazards, contribute to the viability of private ranch lands, and sustain ecosystem services (including watershed health and wildlife habitat). Mining and mineral extraction would continue to occur, subject to market demand, and associated plans, permits, and licenses would be processed in a timely and efficient manner. The local economy benefits from, and contributes to, sustainable resource management, as well as to the preservation of open space. (p. II-8)*
- *2.1.15 Timber and fire management is used in order to restore stands to an uneven-age condition where natural fire regimes and natural processes can occur, and where a multi-aged and multi-cohort forest structure resilient to disturbance is established. (p. II-10)*
- *2.3.1 The composition, structure, and function of terrestrial ecosystems are influenced by natural ecological processes, including disturbance events such as fire, infestations by insects or disease, winds, and flooding. (p. II-15)*
- *2.3.9 Forested terrestrial ecosystems display a Fire Regime Condition Class of 1. (p. II-15)*

- 2.3.11 through 2.3.33 describes desired conditions of vegetative communities within Tres Rios Field Office.
- 2.5.5 *Riparian area and wetland ecosystems are resilient to change from disturbances (including from floods, fire, and drought) and offer resistance and resilience to changes in climate. (p. II-40)*
- 2.12.1 *Firefighter and public safety concerns are met for all fire management and fuel treatment projects. (p. II-61)*
- 2.12.2 *Wildfire behavior in the WUI (in and around developed areas and communities) does not result in damage to property and protects public safety. (p. II-61)*
- 2.12.3 *Wildland fire management maintains a balance between fire suppression and use of wildland fire (including both prescribed fire and natural ignitions) to regulate fuels and maintain forest ecosystems in desired conditions. (p. II-61)*
- 2.12.4 *Use of wildland fire and fuels reduction treatments creates vegetation conditions that reduce the threat to real property and infrastructure from wildfire. (p. II-61)*
- 2.12.5 *The WUI will have defensible space and dispersed patterns of fuel conditions that favorably modify wildfire behavior and reduce the rate of wildfire spread in and around communities at risk. (p. II-61)*
- 2.12.6 *Major vegetation types reflect little or no departure from historic range of variation of fire frequency and intensity (e.g., reflect Fire Regime Condition Class 1). (p. II-61)*
- 2.12.7 *Planned and unplanned fire ignitions are used to increase resiliency and diversity across all forest and rangeland vegetation types. (p. II-61)*
- 2.12.8 *The occurrence of low elevation fires burning upward into spruce-fir forest will increase over time to promote the heterogeneity of spruce-fir forests. (p. II-61)*

Objectives

- 2.3.45 *Within 15 years, increase the percent of ponderosa pine forests in the young development stage from 0% to 3% by using mechanical treatments (e.g., timber harvest) or fire (prescribed or natural ignitions). (p. II-21)*
- 2.3.46 *Within 15 years, increase the percent of warm-dry mixed conifer forests in the young development stage from 0% to 3% by using mechanical treatments (e.g., timber harvest) or fire (prescribed or natural ignitions). (p. II-21)*
- 2.3.47 *Within 15 years, improve the composition, structure, and function of 5,000 acres of ponderosa pine forests by using low-intensity fire). (p. II-21)*
- 2.12.10 *Annually, for the next 10 years, complete an average of 1,000 acres of fuels reduction and resource enhancement using fire managed for resource benefit. (p. II-61)*
- 2.12.11 *Include evaluations for immediate suppression, management for resource benefit, or a combination of both actions for wildland fire response. (p. II-61)*

Standards

- 2.12.12 *Natural fire ignitions will be used, when feasible, to reintroduce fire into fire-adapted and dependent ecosystems. Fire for ecological benefit will be used as a resource management tool where and when allowed. (p. II-62)*
- 2.12.13 *Restoration and recovery in areas, when possible, must be provided where critical resource concerns merit rehabilitation for controlling the spread of invasive species, protecting areas of cultural concern, or protecting critical or endangered species habitat. (p. II-62)*

Canyons of the Ancients National Monument RMP

Goals and Objectives

- *Goal A: Preserve and protect cultural and natural resources and public and private property, allowing managed fire (including prescribed burns) to play a limited role in accomplishing this goal in fire-dependent ecosystems.(p. 56)*
- *Objective: Ensure an appropriate management response for each reported wildfire within the Monument by developing a Fire Management Plan (FMP) that integrates with ... the Montezuma County and Dolores County Community Fire Plans...Ensure that fire management tactics and strategies maximize firefighter and public safety; and minimize suppression costs, resource loss, and damage...(p. 56)*

Management Actions: Allowable Uses and Actions

- *Designate the entire Monument as FMZ B (area where natural fire is generally not desired under current conditions and suppression is emphasized)... (p. 56)*
- *Conduct research in order to determine the historic ranges of variability (HRVs) in historic fire regimes, woodland structure, and adjacent vegetation types within the Monument, as funding becomes available. Use these data in order to develop ecologically sound desired future conditions for all vegetation management decisions through adaptive management planning processes. (p. 56)*

Alternatives Considered: The EA considered the Proposed Action and No Action Alternative. The No Action Alternative would not meet the purpose and need for action. No other alternatives were needed to address any unresolved resource conflicts.

Rationale for Decision: Implementation of the Proposed Action will meet the purpose and need for action as described in the EA. The purpose and need is established by the BLM's responsibility under the Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.). The action conforms to the existing land use plan as described above. An interested public scoping letter describing the project proposal was mailed to over 200 potentially interested publics on July 21, 2015. The letter was sent to groups or individuals who have expressed an interest in participating in fire management projects as well as State and Federal wildlife agencies, and tribes. The proposed action was also scoped at a tribal consultation meeting at the Anasazi Heritage Center on September 15, 2015. Tribes expressed the importance of retaining cultural resources on the landscape, which is analyzed in Chapters 3.6 and 4.2.6 of the EA. A comment period on a draft EA occurred in March of 2016. During the comment period, two letters were received, one from Colorado Parks and Wildlife, and the other from the Hopi Tribe. Responses to these comments are in Chapter 5.3 of the EA.

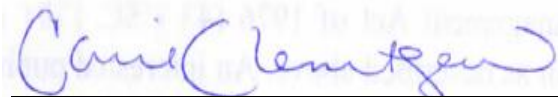
Protest/Appeal Language: This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the Form 1842-1. If an appeal is taken, your notice of appeal must be filed with the authorized officer, Connie Clementson, Field Manager, Tres Rios Field Office, 29211 Highway 184, Dolores, CO 81323, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. Pursuant to 43 CFR 4.416, the Interior Board of Land Appeals is required to decide appeals from BLM wildfire management decisions within 60 days after all pleadings have been filed. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

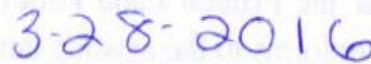
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Authorized Officer
Connie Clementson, Field Manager



Date